

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN re KOCH v. HANKINS JUDGMENT
CREDITOR TRUST,

No. C 06-07104 JSW

Debtor,

ORDER DISMISSING APPEAL

FLOYD KOCH, et al.,

Plaintiffs

v.

EDWARD HANKINS, et al.,

Defendants

On October 5, 2006, Carlon Properties, Inc. ("Carlon"), filed a notice of appeal from the decision of the Bankruptcy Court to transfer an adversary proceeding to the District of Arizona. Carlon also filed a motion for leave to appeal the Bankruptcy Court's interlocutory order. On November 16, 2006, the matter was assigned to this Court, and designated as an e-filing case.

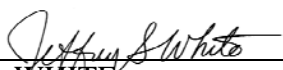
On April 26, 2007, the Court issued an Order to Show Cause as to why this appeal should not be dismissed as moot, in light of the fact that the docket in the Arizona case shows that Carlon's motion to dismiss the petition was granted on October 24, 2006. However, it appears that neither counsel for Carlon nor counsel for Koch ever registered with the Court's e-filing program. As a result, it was not clear to this Court that counsel were served with the Order to Show Cause dated April 26, 2007.

1 Therefore, on May 11, 2007, the Court Ordered Carlon to show cause why this appeal
2 should not be dismissed as moot. Carlon's response, or a voluntary dismissal, was due by May
3 23, 2007. There has been no response from Carlon.

4 Accordingly, the pending motion for leave to appeal is DENIED and the appeal is
5 HEREBY DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE. A copy
6 of this Order shall be served on counsel for Carlon and Koch by United States Mail.

7 **IT IS SO ORDERED.**

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9 Dated: May 24, 2007


10 JEFFREY S. WHITE
11 UNITED STATES DISTRICT JUDGE
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FLOYD KOCH,
Plaintiff,

Case Number: CV06-07104 JSW

CERTIFICATE OF SERVICE

v.

EDWARD J HANKINS et al,
Defendant.

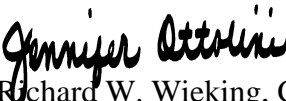
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 24, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Andrew H. Wilson
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Gary Steven Garfinkle
Attorney at Law
1205 Via Gabarda
Lafayette, CA 94549

Dated: May 24, 2007


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk